IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION Nos. 20904 of 1999 & 20925 of 1999

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1) WRIT PETITION NO : 20904 of 1999

Between:

Md. Badruddin, s/o. Chand Janim,

R/o. Yellandu, Khammam district

..... PETITIONER

AND

1)The Director (Personnel), Singareni Colleries

Co. Ltd., Kothagudem, Khammam district.

2)The Managing Director, Singareni Colleries

Co. Ltd., Kothagudem, Khammam district.

3)The General Manager (Projects), Singareni Colleries

Co. Ltd., Yellandu, Khammam district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue an order, direction or writ, particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents in not considering the case of the petitioner for reappointment as E.P. Operator on production of genuine driving licence and withdrawal of W.A. No.419 of 1996 as directed by the respondents as per letter dated 06.12.1996 is illegal, arbitrary and unjust and consequently direct the respondents to reappoint the petitioner as E.P. Operator by implementing the letter dated 06.12.1996 issued by the General Manager (Projects) with all consequential benefits.

Counsel for the Petitioner: MR.SOORAM PRABHAKAR REDDY

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

2) WRIT PETITION NO : 20904 of 1999

Between:

Mohd. Jahangir, s/o. Mohd. Sawar,

R/o. Yellandu, Khammam district

..... PETITIONER

AND

1)The Director (Personnel), Singareni Colleries

Co. Ltd., Kothagudem, Khammam district.

2)The Managing Director, Singareni Colleries

Co. Ltd., Kothagudem, Khammam district.

3)The General Manager (Projects), Singareni Colleries

Co. Ltd., Yellandu, Khammam district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ, particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents in not considering the case of the petitioner for reappointment / re-instatement as Dozer / E.P. Operator on production of genuine driving licence and on withdrawal of court cases as directed by the respondents as per letter dated 06.12.1996 is illegal, arbitrary and unjust and consequently direct the respondents to reappoint / re-instate the petitioner as dozer / E.P. Operator by implementing the letter dated 06.12.1996

issued by the General Manager (Projects0 with all consequential benefits.

Counsel for the Petitioner: MR.SOORAM PRABHAKAR REDDY

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following :

COMMON ORDER:

Heard both sides. Since common question is involved in these matters, they are being taken up together for disposal.

The petitioners herein claiming to be the holders of driving licence, seek appointment with the respondent-collieries on the basis of the driving licence produced by them. On the earlier occasion, it was found that the driving licence produced by them was not genuine and therefore, certain proceedings have been initiated. Thereafter, petitioner in W.P. No. 20904 filed Writ Petition No. 18701 of 1995, which was dismissed by this Court on 28.02.1996, leading to filing of Writ Appeal No. 419 of 1996. The petitioner in W.P. No. 20925 of 1999 filed W.P. No. 17457 of 1994. At this time, it was submitted on behalf of the respondents that in the event the petitioners produce genuine driving licence, their case would be considered and therefore, accordingly, the Writ Appeal and the Writ Petition were withdrawn on the basis of the said undertaking. Now the case of the petitioners is that subsequently they produced the driving licence, which is genuine, and therefore, there can not be any impediment in appointing the petitioners as E.P. Operators.

In the counter affidavit filed by the respondents, there is no dispute to the earlier antecedents leading to withdrawal of the Writ Appeal and Writ Petition on the basis of the aforesaid undertaking. Further, it was pointed out that the driving licences produced by both the petitioners subsequently, are genuine.

Having considered the submissions made and on perusal of the material, it is seen that the earlier proceedings against the petitioners on the basis of ingenuine driving licences can not be taken as a defence by the respondents

herein, especially in view of the undertaking given in the Writ Appeal and the Writ Petition, which has been accordingly noted therein, leading to withdrawal of the cases. Now, the driving licences which have been produced later on by the petitioners, are stated to be genuine. Having regard to the same, there should not be any impediment on the part of the respondents in considering the petitioners' case for appointment.

Both the Writ Petitions are, accordingly, allowed as prayed. No costs.

(B.Prakash Rao, J.)

21.12.2004

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on

Tuesday, the twenty first day of December Two thousand and Four.

…. Registrar

Copy to:

1)The Director (Personnel), Singareni Colleries

Co. Ltd., Kothagudem, Khammam district.

2)The Managing Director, Singareni Colleries

Co. Ltd., Kothagudem, Khammam district.

3)The General Manager (Projects), Singareni Colleries

Co. Ltd., Yellandu, Khammam district.

4) Two CD copies.